

### **REMARKS**

This is in response to the Office Action mailed November 21, 2005 which set a one month period for response; response is due December 21, 2005. This response, therefore, is timely filed.

The action requires election under 35 U.S.C. § 121 between seven groups of claims: Group I (claims 1-11, 13-15, and 17) drawn to an isolated polynucleotide; Group II (claims 1 and 12) drawn to an antisense polynucleotide; Group III (claims 16, 18 and 19) drawn to a polypeptide; Group IV (claims 20-21) drawn to antibodies; Group V (claims 22-23) drawn to a method for inducing mesenchymal cell growth; Group VI (claims 24-25) drawn to a method of suppressing mesenchymal cell growth; Group VII (claim 26) drawn to a method of marking mesenchymal cells.

Applicants hereby elect the claims of group I (claims 1-11, 13-15, and 17) with traverse. Claim 17 is directed to both a polynucleotide sequence (SEQ ID NO:38) and a polypeptide sequence (SEQ ID NO:39). Regarding other aspects of the restriction requirement, it is noted that claims 22-25 are directed to methods and should be rejoined after the Group I claims from which they depend are allowable.

The action further requested an election of species. Applicants hereby elect SEQ ID NO: 17, which refers to the polynucleotide sequence of the intronic J $\beta$ 2.3 gene sequence encoding peptide: MGLSAVGRTAESGTAERAAPVFVLGLQAV. The species is read upon by claims 1, 2, 7, 13, 14, and 15.

The claims statuses are as follows:

Claims 1-9 and 13-15 are original claims.

Claims 10 and 11 are currently amended to correct typographical errors.

Claim 17 is currently amended to exclude SEQ ID NO:39, which is drawn to a polypeptide sequence.

Thus, claims 1-11, 13-15 and 17 should be examined at this time.

Claims 12, 16, and 18-26 in full and claim 17 in part have been withdrawn as unelected inventions; however, as noted claims 22-25 should eventually be rejoined. As to any claims that are cancelled during prosecution in response to this restriction requirement, applicants' reserve the right to pursue the subject matter of those claims in one or more subsequent applications.

Applicant confirms that inventorship remains the same for the elected group.

Accordingly, an action on the merits of the elected claims is respectfully requested. As no material prior art references are present, it is believed that the elected claims are in condition or allowance.

Respectfully submitted,

Date: 12/19/05

*Julie Shi* (Reg. No. 57,073)  
for: Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN LLP**

CUSTOMER NO. 28765

(212) 294-3311